

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|                                   |   |                                   |
|-----------------------------------|---|-----------------------------------|
| TERRANCE D. MILLARD,              | ) |                                   |
|                                   | ) | FILED: JULY 1, 2008               |
| Plaintiff,                        | ) | 08CV3752                          |
|                                   | ) | JUDGE CONLON                      |
| vs.                               | ) | Cause No.: MAGISTRATE JUDGE BROWN |
|                                   | ) |                                   |
| BNSF RAILWAY COMPANY              | ) | TC                                |
|                                   | ) |                                   |
| Serve:                            | ) | <b>JURY TRIAL DEMANDED</b>        |
| CT Corporation System             | ) |                                   |
| Registered Agent                  | ) |                                   |
| 208 So. LaSalle Street, Suite 814 | ) |                                   |
| Chicago, IL 60604                 | ) |                                   |
|                                   | ) |                                   |
| Defendant.                        | ) |                                   |

**COMPLAINT**

COMES NOW Plaintiff, Terrance D. Millard, by and through his attorneys, Holland, Groves, Schneller & Stolze, L.L.C., and for his cause of action against the BNSF Railway Company, states as follows:

1. This court has jurisdiction pursuant to the Family and Medical Leave Act, 29 U.S.C. Sec. 2617(a)(2).
2. Plaintiff, Terrance D. Millard, was employed by the BNSF Railway Company as a conductor.
3. BNSF Railway company is a corporation duly existing according to law to engage in, and was at all times mentioned herein, engaged in doing business in the State of Illinois, and other states of the United States.
4. That at all times relevant herein, including the present, Defendant has operated trains,

owned tracks and yards and other property in the Northern District of Illinois.

5. Plaintiff began working for BNSF Railway Company in approximately June, 2003 in Aurora, Illinois and worked as a conductor, trainman, and engine hostler in the Chicago area.

6. In August 2005, Mr. Millard requested Family Medical Leave Act leave and gave proper notice to the company regarding said leave.

7. The leave was requested to take care of Plaintiff's minor child who suffers from a serious medical condition.

8. Defendant is a covered employer under the Family Medical Leave Act.

9. Mr. Millard has worked for the employer for at least 12 months.

10. During the period in question, Mr. Millard had worked at least 1250 hours over the prior 12 months.

11. On or about September 05, 2005, the Defendant granted Mr. Millard intermittent FMLA beginning October 27, 2005 through October 26, 2006.

12. Mr. Millard was entitled to take reasonable leave, not to exceed a total of 12 workweeks of leave during a 12 month period, for the care of plaintiff's minor child who had a serious health condition.

13. Defendant was provided with verification from his son's treating physician that it was necessary for Mr. Millard to take off up to 84 days in a year.

14. Mr. Millard's child needed continued care for his serious health condition and Mr. Millard stayed home to care for his ill child pursuant to his Family Medical Leave Act leave granted by the Defendant.

15. Defendant interfered with the plaintiff's exercise of his right to take reasonable

leave to care for his child who had a serious health condition, as provided under the Family and Medical Leave Act.

16. That on July 11, 2006, Defendant terminated Mr. Millard due to the taking of his leave granted to him pursuant to the Family Medical Leave Act.

17. That this case was filed within two years of the date of the last event constituting the alleged violation for which the action is brought.

18. That as a result of said termination and Defendant's violation of the Family Medical Leave Act, Mr. Millard lost wages, salary, employment benefits, and other compensation.

WHEREFORE Plaintiff, Terrance D. Millard, prays for Judgment against the Defendant, BNSF Railway Company, for his lost wages, salary, employment benefits, or other compensation denied or lost; the interest on said damages calculated at the prevailing rate; liquidated damages prescribed by statute equal to the above damages; equitable relief as may be appropriate, including employment, reinstatement, and promotion; reasonable attorney's fees, reasonable expert witness fees, and other costs of the action; and such other and further relief as the court deems just and appropriate.

PLAINTIFF DEMANDS A TRIAL BY JURY

HOLLAND, GROVES, SCHNELLER  
& STOLZE, L.L.C.

s/ Ryan M. Furniss

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- AND -

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